

Magistrate Judge Hon. Gabriel W. Gorenstein
U.S. District Court for the Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007
Via pro se electronic filing

Re: Case No.: 23-cv-09648-JGLC-GWC Goodman v the City of New York et al

January 26, 2024

Dear Judge Gorenstein,

1. On January 23, 2024, I filed an affidavit that I understood to be proof of service upon defendant Elon Musk, (Dkt. 44). The clerks entered it as “returned unexecuted.”

2. On January 24, 2024, the clerk’s office recorded, “Document filed by Jason Goodman. (sc) Modified on 1/24/2024 (rdz).” I do not know what the specific modification was or why it was necessary, but the docket reflects this summons was returned unexecuted.

3. To eliminate confusion regarding execution of service, if it should please the Court and be deemed necessary, I respectfully request permission to serve Mr. Musk by alternate means pursuant to FRCP Rule 4(f)(3) which provides for service by other means not prohibited by international agreement, as the court orders.

4. Defendant Musk is considered to be one of the wealthiest individuals on Earth. He is the principal of numerous multi-billion-dollar companies including Defendant X Corp.

5. Musk is an unusually frequent international traveler. He has access to personal private airplanes, automobiles, and sea faring vessels. Serving him poses unique challenges as compared to nearly any other individual.

6. Thanks in part to technologies owned by companies he controls, wherever Musk goes, he remains in communication with over one hundred sixty million people on X.com. The

website formerly known as Twitter that is controlled by defendant X Corp which Musk famously purchased and took private control of in October 2022,

(<https://www.nytimes.com/2022/10/27/technology/elon-musk-twitter-deal-complete.html>).

7. Within weeks of acquiring the company, Musk discovered former FBI general counsel James Baker (“Baker”) was a holdover employed as Deputy General Counsel at X Corp. Musk discovered Baker was obstructing orders to release Twitter company records related to interactions with the FBI and other government agencies. This topic has become the subject of public controversy and Congressional investigations. (<http://judiciary.house.gov/committee-activity/hearings/hearing-weaponization-federal-government-4>).

8. Baker’s termination was announced by Musk on December 6, and Musk’s personal attorney Alex Spiro, (“Spiro”) briefly took over legal matters for the company.

(<https://www.nytimes.com/2022/12/13/technology/elon-musk-twitter-shakeup.html>).

9. Spiro is frequently mentioned in news articles, interviews, books and other media as Musk’s personal attorney and close advisor. According to the New York Times and other primary sources, Spiro was integrally involved with many aspects of the purchase and reorganization of Twitter as it became X Corp.

10. This background is relevant because on or around November 3, 2023, I sent a request for a waiver of service to Spiro. (**EXHIBIT A**)

11. I followed up by telephone and had email communications with Spiro’s associate, Anthony Staltari, (“Staltari”). After reviewing the lawsuit and declining to grant a waiver of service, Staltari informed me via email, “Please be advised that Quinn Emanuel Urquhart & Sullivan, LLP is not representing Mr. Musk in this matter.” (**EXHIBIT B**)

12. On December 8, 2023, after a telephone conference with counsel for defendant X Corp, Mr. Trujillo-Jamison informed me via email, “we are not authorized to waive service for Mr. Musk.” **(EXHIBIT C)**

13. I respectfully request the Court issue an order granting permission to serve defendant Musk via social media pursuant to FRCP Rule 4(f)(3) and the proposed order attached hereto as **(EXHIBIT D)**.

Respectfully submitted,



Jason Goodman

EXHIBIT A

JG

Jason Goodman

Goodman v City of New York et al Request for waiver of service

To: Alex Spiro

Sent - truth@c...dsourcethetruth.org

November 3, 2023, 8:55AM

Mr. Spiro,

Please see attached complaint and request for waiver of service. X Corp is a named defendant in this action filed October 31, 2023 as well. If you are not the appropriate party to request waiver of service for the corporate defendant, please advise who that would be.

Thank you.

Jason Goodman
347-380-6998

AO 398 (Rev. 01/09) Notice of a Lawsuit and Request to Waive Service of a Summons

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Jason Goodman)	
Plaintiff)	
v.)	
City of New York, NYPD, Elon Musk, X Corp, et al)	Civil Action No. 1:23-cv-09648
Defendant)	

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: Elon Musk

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days (give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States) from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 11/03/2023

Signature of the attorney or unrepresented party

Alex Spiro

Printed name

Quinn Emanuel Urquhart & Sullivan, LLP

[REDACTED]

Address

[REDACTED]

E-mail address

[REDACTED]

Telephone number

EXHIBIT B

AS

From: Anthony J. Staltari [REDACTED]
Subject: RE: Our phone call last week
Date: November 21, 2023 at 3:19 PM
To: Jason Goodman jasongoodman3d@gmail.com
Cc: Alex Spiro [REDACTED]

Mr. Goodman,

Please be advised that Quinn Emanuel Urquhart & Sullivan, LLP is not representing Mr. Musk in this matter.

Anthony J. Staltari | Managing Attorney | Quinn Emanuel Urquhart & Sullivan, LLP

Direct: (212) 930-1000

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-----Original Message-----

From: Jason Goodman <jasongoodman3d@gmail.com>
Sent: Tuesday, November 21, 2023 2:17 PM
To: Anthony J. Staltari <[REDACTED]>
Cc: Alex Spiro <[REDACTED]>
Subject: Our phone call last week

[EXTERNAL EMAIL from jasongoodman3d@gmail.com]

Mr. Staltari,

I am following up regarding our phone call last week. I have not heard a response from Mr. Spiro or you. To reiterate, I am trying to serve your firm's client Elon Musk in the attached matter Goodman v the City of New York et al. I can send a process server back over to your office, or if you prefer, please ask Mr. Spiro to complete the request for waiver of service also attached. Thank you for your prompt attention to this matter.

Jason Goodman
347-380-6998

EXHIBIT C

KT

From: Kenneth Trujillo-Jamison ktrujillo-jamison@willenken.com
Subject: Re: [EXTERNAL] Waiver of service for your client's owner / CTO Elon Musk
Date: December 8, 2023 at 1:42 AM
To: Jason Goodman truth@crowdsourcethetruth.org
Cc: Kirby Hsu khsu@willenken.com

Mr. Goodman,

Thank you for the call with my colleague Kirby and me yesterday. To follow up on the discussion, we are not authorized to waive service for Mr. Musk.

Regards,

Kenneth Trujillo-Jamison
Willenken LLP

Sent from my iPhone. Please pardon any typos.

From: Jason Goodman <truth@crowdsourcethetruth.org>
Sent: Wednesday, December 6, 2023 6:07:19 AM
To: Kenneth Trujillo-Jamison <ktrujillo-jamison@willenken.com>
Cc: Peter Shimamoto <PShimamoto@willenken.com>
Subject: [EXTERNAL] Waiver of service for your client's owner / CTO Elon Musk

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

ALEX SPIRO has refused to waive service and despite it being widely publicized that he is Elon Musk's personal attorney and extremely close advisor, he has told me he is not representing Musk in this matter. Please sign and return this waiver of service for your client's owner / cto.

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

23-cv-09648-JGLC-GWG

-----X

JASON GOODMAN,

[PROPOSED] ORDER

Plaintiff,

-against-

THE CITY OF NEW YORK and NEW YORK CITY
POLICE DEPARTMENT, NEW YORK CITY MAYOR
ERIC ADAMS, NEW YORK CITY POLICE
DEPARTMENT LIEUTENANT GEORGE EBRAHIM,
NEW YORK CITY POLICE DEPARTMENT OFFICER
CHANDLER CASTRO, NEW YORK CITY POLICE
DEPARTMENT OFFICER JENNIFER CARUSO, NEW
YORK CITY POLICE DEPARTMENT OFFICER
KELVIN GARCIA, JOHN DOE 1, JOHN DOE 2, JOHN
DOE 3, JOHN DOE 4, JANE DOE, (fictitious names
intended to be officers, representatives, agents, servants of
the New York City Police Department, individually and in
their official capacities, ELON MUSK, X CORP, ADAM
SHARP.

Defendants.

-----X

In consideration of the foregoing Motion for Alternate Service, it is hereby ORDERED
that the Motion is GRANTED. Goodman shall post publicly on X.com @elonmusk links to
download the summons and complaint, its associated briefs, exhibits and attachments. Upon
such posting, service will have been executed on defendant Musk pursuant to FRCP Rule 4(f)(3)
and this Court's order.

So Ordered: New York, New York, _____ 2024

Honorable Gabriel W. Gorenstein
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007